



August 6, 2018

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Via Email

Hon. Frank P. Geraci, Jr.
Chief United States District Judge
U.S. Courthouse
100 State Street
Rochester, New York 14614

Re: Wagner v. Chiari & Ilecki, LLP
No. 15-cv-00633-FPG

Dear Judge Geraci:

On behalf of the defendant, Chiari & Ilecki, LLP, I write with respect to the Court's July 9, 2018 order requesting that defendant refile its Cross-Motion for Summary Judgment in accordance with the Local Rules. Specifically, at oral argument on July 2, 2018, the Court inquired as to why defendant filed a brief in excess of the page limitations in the Local Rules of Civil Procedure. As I explained to the Court, I did not participate in drafting or filing the motion for summary judgment and only took this case over after my colleague, Paul Woodard, Esq., departed our firm.

Since our last hearing date, I reviewed the file and spoke with Mr. Woodward regarding the excess pages. Mr. Woodward explained that he spoke to one of the Court's clerks, Sean Eldridge, and asked whether, pursuant to the Local Rules, we could submit a combined memorandum of law in support of our cross-motion for summary judgment and in opposition to plaintiff's motion for summary judgment. The Local Rules allow parties to file "memoranda in support of or in opposition to any motion [not to exceed] twenty-five (25) pages in length." Mr. Woodward followed up his conversation with Mr. Eldridge via email, which I attach for the Court's review. In addition, Mr. Woodward submitted a letter to the Court, which I also attach, explaining that:

[W]e intend to file today both (1) a response to the plaintiff's motion for summary judgment and (2) a cross-motion for summary judgment. In lieu of filing two separate memoranda of law (the former up to 30 pages in length pursuant

We respectfully request that the Court accept our March 2, 2017 filing pursuant to Mr. Woodard's conversation with Mr. Eldridge and his understanding that we were able to proceed with this joint memorandum.

As such, and pending the Court's resolution of this issue, we request a brief extension with respect to refileing. Mr. Hiller does not object to such a request.

/s/ Caitlin M. Higgins

cc: Kenneth R. Hiller, Esq.



March 2, 2017

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Rochester, New York 14614

Re: Wagner v. Chiari & Ilecki, LLP
No. 15-cv-00633-FPG

Dear Judge Geraci:

On behalf of the defendant, Chiari & Ilecki, LLP, we intend to file today both (1) a response to the plaintiff's motion for summary judgment and (2) a cross-motion for summary judgment. In lieu of filing two separate memoranda of law (the former up to 30 pages in length pursuant to this Court's Text Order (Doc. 29), and the latter up to 25 pages in length under Local Rule 7(a)(2)(C)), we respectfully request permission to file one combined memorandum of law not to exceed 45 pages in length.

In addition to responding to each of the plaintiff's arguments, we intend to raise multiple other grounds for summary judgment. Therefore, we respectfully submit that it is appropriate to increase the page limitation for the defendant's memorandum of law to 45 pages. The plaintiff's counsel, Kenneth R. Hiller, Esq., does not oppose this request.

Thank you for your consideration.

Respectfully,

A handwritten signature in dark ink that reads 'Paul A. Woodard'.

Paul A. Woodard

cc: Kenneth R. Hiller, Esq.

Caitlin M. Higgins

From: Paul A. Woodard
Sent: Thursday, March 02, 2017 5:06 PM
To: 'sean_eldridge@nywd.uscourts.gov'
Cc: 'Kenneth Hiller'
Subject: Wagner v. Chiari & Ilecki, LLP, No. 15-cv-633
Attachments: 2017.03.02 Ltr. to Court.pdf

Dear Sean:

Further to our conversation this afternoon, I attach an unopposed request to file a combined memorandum of law in support of (1) our response to the plaintiff's motion for summary judgment and (2) the defendant's cross-motion for summary judgment, not to exceed 45 pages in length.

Thank you for your consideration.

Best regards,

Paul

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